

117TH CONGRESS
2D SESSION

H. R. 7394

To provide for improvements in the treatment of women in the criminal justice system.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2022

Ms. BASS (for herself, Ms. MACE, and Ms. SPEIER) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Ways and Means, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for improvements in the treatment of women in the criminal justice system.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Women in Criminal Justice Reform Act”.

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—GENDER-INFORMED ARREST AND LAW ENFORCEMENT PRACTICES

- Sec. 101. Protection of children at arrest.
- Sec. 102. Grant program for gender-informed training of local law enforcement officers.

TITLE II—FAMILY REUNIFICATION TO REDUCE RECIDIVISM AND PROTECT CHILDREN

- Sec. 201. Parent-focused bail reform.
- Sec. 202. Temporary release from imprisonment to maintain community ties.

TITLE III—GENDER-INFORMED ALTERNATIVES TO INCARCERATION

- Sec. 301. Federal pretrial diversion.

TITLE IV—CONSPIRACY REFORM ACT—FIXING THE “GIRLFRIEND PROBLEM”

- Sec. 401. Focusing penalties for drug conspiracy.
- Sec. 402. Increasing judicial discretion to sentence less culpable justice-involved individuals.
- Sec. 403. Clarifying culpability at sentencing.

TITLE V—GENDER-RESPONSIVE AND TRAUMA-INFORMED IMPOSITION OF A SENTENCE

- Sec. 501. Gender and trauma-informed sentencing.

TITLE VI—GENDER-RESPONSIVE PRISON REFORM

- Sec. 601. Health care needs of incarcerated women in the Bureau of Prisons.
- Sec. 602. Trauma-informed care.
- Sec. 603. Trauma-informed and gender-responsive training and staffing.
- Sec. 604. Improving the Bureau of Prisons Resolve Trauma Therapy Program.
- Sec. 605. Gender-responsive programs in the Bureau of Prisons.
- Sec. 606. Gender-responsive prison conditions.
- Sec. 607. Gender-specific posts.
- Sec. 608. Female incarcerated person nutritional standards.
- Sec. 609. Gender-responsive discipline policies.
- Sec. 610. Expanding access to the Mothers and Infants Nurturing Together Program and the Residential Parenting Program.
- Sec. 611. Report on failure to comply with the 500 mile rule.
- Sec. 612. Authorization of appropriations.

TITLE VII—GENDER-INFORMED REENTRY REFORM

- Sec. 701. Focus on women at residential reentry centers and in community confinement.
- Sec. 702. Focusing supervision on the rehabilitation of women.
- Sec. 703. Gender-responsive modification of supervised release restrictions.

TITLE VIII—DEFINITIONS

- Sec. 801. Definitions.

1 **TITLE I—GENDER-INFORMED**
2 **ARREST AND LAW ENFORCE-**
3 **MENT PRACTICES**

4 **SEC. 101. PROTECTION OF CHILDREN AT ARREST.**

5 (a) IN GENERAL.—Chapter 203 of title 18, United
6 States Code, is amended by adding the following new sec-
7 tion at the end:

8 **“§ 3065. Arrest by Federal law enforcement**

9 “A law enforcement officer who is authorized to make
10 arrests under any Federal law shall permit any person who
11 is arrested and is the custodial parent or guardian of a
12 minor or dependent child the opportunity to make ar-
13 rangements for such child at the time of arrest, including
14 by permitting access to a telephone and appropriate phone
15 numbers for the purposes of securing care for the child,
16 and shall not refer the child to a child welfare agency,
17 unless the custodial parent or guardian of the minor can-
18 not make arrangements for the child at the time of arrest
19 or to secure care for the child, or unless the arresting offi-
20 cer has reasonable cause to suspect the child is experi-
21 encing abuse or neglect. A drug related charge on its own
22 does not constitute sufficient cause to suspect abuse or
23 neglect.”.

24 (b) CONFORMING AMENDMENT.—The table of con-
25 tents of chapter 203 of title 18, United States Code, is

1 amended by adding at the end the following: “3065. Ar-
2 rest by Federal law enforcement”.

3 **SEC. 102. GRANT PROGRAM FOR GENDER-INFORMED**
4 **TRAINING OF LOCAL LAW ENFORCEMENT OF-**
5 **FICERS.**

6 Title I of the Omnibus Crime Control and Safe
7 Streets Act of 1968 (34 U.S.C. 10101 et seq.), is amended
8 by adding at the end the following:

9 **“PART PP—GRANTS FOR GENDER-RESPONSIVE**
10 **TRAINING**

11 **“SEC. 3051. IN GENERAL.**

12 “The Attorney General may make a grant to a State
13 each fiscal year for purposes of carrying out the require-
14 ments of section 3052. The term of such grant shall be
15 1 year.

16 **“SEC. 3052. TRAINING ON GENDER-INFORMED LAW EN-**
17 **FORCEMENT PRACTICES.**

18 “(a) TRAINING CURRICULA.—Not later than 180
19 days after the effective date of this section, the Attorney
20 General shall develop and identify training curricula under
21 this paragraph in consultation with relevant law enforce-
22 ment agencies of States and units of local government, as-
23 sociations that advocate on issues which disproportionately
24 impact women, medical professionals, professional law en-

1 enforcement organizations, mental health organizations, and
2 family advocacy organizations.

3 “(b) TRAINING REQUIREMENT.—The requirements
4 of this subsection are as follows:

5 “(1) A State shall require that all individuals
6 enrolled in an academy of a law enforcement agency
7 in the State and all chief law enforcement officers of
8 the State fulfill a training session on gender-in-
9 formed policing practices each fiscal year. In the
10 case of individuals attending an academy, such
11 training session shall be for at least 8 hours, and in
12 the case of all other law enforcement officers, the
13 training session shall be for at least 4 hours.

14 “(2) Gender-informed policing practices shall
15 include—

16 “(A) evidence-based training on the cir-
17 cumstances most likely to disproportionately or
18 differently impact women who have contact with
19 law enforcement through traffic stops, street
20 stops, searches, arrests, or any other contact,
21 and may include training on trauma, sexual and
22 physical abuse, family issues, physical and men-
23 tal health issues, hygiene issues, racial dispari-
24 ties in the arrests of and law enforcement con-
25 tacts with women, and issues related to the ar-

1 rest of parents, including the identification and
2 appropriate responses to a child, present or not
3 present, whose parent is arrested in order to
4 help minimize potential trauma and support a
5 child’s physical safety and well-being following
6 an arrest;

7 “(B) training on a proactive, victim-cen-
8 tered approach to be used when responding to
9 domestic violence that utilizes best-practices
10 aimed at reducing risk of imminent or future
11 violence, and strongly discourages dual arrests;

12 “(C) evidence-based training on proper in-
13 terrogation techniques for individuals with a
14 history of trauma such as intimate partner vio-
15 lence or sexual assault as well as information
16 on false confessions;

17 “(D) evidence-based training on how the
18 interaction of race, class, disability, and gender
19 may influence police response as well as behav-
20 ior of an individual towards law enforcement of-
21 ficers; and

22 “(E) evidence-based training on the spe-
23 cific needs and appropriate policies and proto-
24 cols for pregnant persons who have contact with

1 law enforcement through traffic stops, street
2 stops, searches, arrests, or any other contact.

3 “(3) No later than 2 years after receipt of a
4 grant under this section, a State shall certify to the
5 Attorney General of the United States that such
6 training sessions have been completed.

7 “(c) COMPLIANCE AND INELIGIBILITY.—

8 “(1) COMPLIANCE DATE.—The period specified
9 under this paragraph is the period beginning 120
10 days after the date of enactment of this part, to
11 comply with subsection (a), except that—

12 “(A) the Attorney General may grant an
13 additional 120 days to a State that is making
14 good faith efforts to comply with such sub-
15 section; and

16 “(B) the Attorney General shall waive the
17 requirements of subsection (a) if compliance by
18 a State would be unconstitutional under the
19 constitution of such State.

20 “(2) INELIGIBILITY.—A State that is not in
21 compliance with the requirements of subsection (a)
22 during a fiscal year is not eligible to apply for a
23 grant under this part during the next fiscal year.

24 **“SEC. 3053. USE OF FUNDS.**

25 “A grantee may use the grant to—

1 “(1) pay for costs associated with carrying out
2 section 3052(b), including attendance by law en-
3 forcement officers or professionals at an approved
4 training course, including a course provided by a law
5 enforcement training academy of a State or unit of
6 local government;

7 “(2) procure training continuing education on 1
8 or more of the topics described in section 3052(b)
9 from a certified entity;

10 “(3) in the case of a law enforcement agency of
11 a unit of local government that employs fewer than
12 50 law enforcement officers (determined on a full-
13 time equivalent basis), pay for the costs of overtime
14 accrued as a result of the attendance of a law en-
15 forcement officer or covered professional at an ap-
16 proved training course for which the costs associated
17 with conducting the approved training course are
18 paid using amounts provided under this section; and

19 “(4) pay for the costs of developing mechanisms
20 to comply with the certification requirement estab-
21 lished under section 3052(b)(3), in an amount not to
22 exceed 5 percent of the total amount of the grant
23 award.

1 **“SEC. 3054. AUTHORIZATION OF APPROPRIATIONS.**

2 “There is authorized to be appropriated to carry out
3 this part \$20,000,000 for each of fiscal years 2022
4 through 2026.”.

5 **SEC. 103. REPRESENTATION IN LAW ENFORCEMENT GRANT**
6 **PROGRAM.**

7 (a) ESTABLISHMENT.—There is established a grant
8 program to improve recruitment and retention of women
9 law enforcement officers.

10 (b) AUTHORITY.—Not later than 60 days after the
11 date of enactment of this Act, the Director of the Office
12 of Community Oriented Policing Services of the Depart-
13 ment of Justice shall make a grant to a law enforcement
14 agency or department eligible for a grant under part Q
15 of title I of the Omnibus Crime Control and Safe Streets
16 Act of 1968.

17 (c) ELIGIBLE ACTIVITIES.—Amounts from a grant
18 made under this section may be used only for the fol-
19 lowing:

20 (1) Establishing working groups, committees, or
21 advisory boards to review current hiring practices to
22 include—

23 (A) recruitment procedures;

24 (B) advertised job descriptions;

25 (C) images used on recruitment materials;

26 (D) the process of reviewing applications;

1 (E) required tests; and

2 (F) the procedures and individuals or
3 groups selected to interview candidates.

4 (2) Producing and distributing recruitment ma-
5 terials with inclusive racial and gender representa-
6 tion as well as language focused on a variety of im-
7 portant skills and/or qualifications for law enforce-
8 ment officers.

9 (3) Outreach to groups or locations with pre-
10 dominantly women in attendance.

11 (4) Providing on-site child care at law enforce-
12 ment academies.

13 (5) Improving parental and family leave poli-
14 cies.

15 (6) Establishing mentoring programs.

16 (7) Training recruiters and academy staff on
17 the importance of a diverse workforce, implicit bias,
18 and equal employment opportunity matters.

19 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated \$5,000,000 for each of fis-
21 cal years 2022 through 2026.

1 **TITLE II—FAMILY REUNIFICA-**
2 **TION TO REDUCE RECIDIVISM**
3 **AND PROTECT CHILDREN**

4 **SEC. 201. PARENT-FOCUSED BAIL REFORM.**

5 Section 3142(g)(3)(A) of title 18, United States
6 Code, is amended by inserting “minor or dependent chil-
7 dren and whether detention would negatively impact a
8 child, including through potential loss of custody,” after
9 “family ties,”.

10 **SEC. 202. TEMPORARY RELEASE FROM IMPRISONMENT TO**
11 **MAINTAIN COMMUNITY TIES.**

12 Title 18, United States Code, is amended by striking
13 section 3622 and inserting:

14 **“§ 3622. Temporary release**

15 “(a) GENERALLY.—The Bureau of Prisons and the
16 United States Marshals Service shall release an individual
17 from imprisonment for a limited period if such release is
18 authorized by the warden or a judicial officer under sub-
19 section (c) and in accordance with the facility or officer’s
20 prescribed conditions, to—

21 “(1) visit a designated place for a period not to
22 exceed thirty days without specific authorization,
23 and then return to the same or another facility, for
24 the purpose of—

1 “(A) obtaining medical treatment not oth-
2 erwise available, including access to sexual as-
3 sault nurse examiners;

4 “(B) establishing or reestablishing family
5 or community ties; or

6 “(C) attending court proceedings con-
7 cerning juvenile custody or dependency of a
8 minor or dependent child;

9 “(2) visit a designated place for a period not to
10 exceed seven days without specific authorization, and
11 then return to the same or another facility, for the
12 purpose of—

13 “(A) visiting a relative who is dying;

14 “(B) attending a funeral of a relative;

15 “(C) contacting a prospective employer; or

16 “(D) engaging in any other significant ac-
17 tivity consistent with the public interest; or

18 “(3) participate in a training or educational
19 program in the community while continuing in offi-
20 cial detention at the prison facility; or

21 “(4) work at paid employment in the commu-
22 nity while continuing in official detention at the
23 penal or correctional facility if the rates of pay and
24 other conditions of employment will not be less than

1 those paid or provided for work of a similar nature
2 in the community.

3 “(b) DEFINITION.—As used in this section, the term
4 ‘imprisonment’ means custodial detention, juvenile official
5 detention, or community supervision, both prior to a trial
6 or a dispositional hearing, and after conviction or adju-
7 dication.

8 “(c) PETITION.—Upon petition from a person who is
9 under an order of imprisonment, a judicial officer is au-
10 thorized to release such person under subsection (a) and
11 may set the least restrictive conditions of release necessary
12 to meet the requirements of safety and justice. Such au-
13 thorization shall be provided for the purposes listed in sub-
14 section (a) if it is consistent with the purpose for which
15 any sentence was imposed if applicable and any pertinent
16 policy statement issued by the Sentencing Commission
17 pursuant to section 994(a)(2) of title 28, United States
18 Code, unless a factual showing is made to the court dem-
19 onstrating that the release would create an imminent risk
20 of flight or harm to the incarcerated person or others.”.

21 **SEC. 203. UPDATING CUSTODY REQUIREMENTS TO PRE-**
22 **SERVE FAMILIES.**

23 Section 475(5)(E) of the Social Security Act (42 11
24 U.S.C. 675(5)(E)) is amended—

1 (1) by striking “15 of the most recent 22
2 months” and inserting “24 consecutive months and
3 who is not in the care of kin (including fictive kin),
4 the State may consider filing or joining a petition
5 for modification or termination of parental rights
6 only after demonstrating by clear and convincing
7 evidence that the State has provided to the family of
8 the child such services, supports, and time needed to
9 address the reasons for foster care and enable the
10 family to safely reunify, and by demonstrating com-
11 pelling reasons why the modification or termination
12 is in the best interest of the child, and if the child
13 is living with a kinship (including fictive kinship)
14 caregiver, the State agency shall provide a meaning-
15 ful opportunity for the kinship (including fictive kin-
16 ship) caregiver to express whether modification or
17 termination is or is not in the best interests of the
18 child and shall document such in the case plan of
19 the child”;

20 (2) by striking clause (i) and redesignating
21 clauses (ii) and (iii) as clauses (i) and (ii), respec-
22 tively;

23 (3) in clause (ii) (as so redesignated by para-
24 graph (2) of this section), by striking the semicolon
25 and inserting a comma; and

1 (4) by inserting after and below clause (ii) (as
2 so redesignated) the following: “except that, in the
3 case of a child to whom this subparagraph applies
4 solely because the child has been in foster care
5 under the responsibility of the State for 24 consecu-
6 tive months and is not in the care of kin (including
7 fictive kin), the State may not file or join such a pe-
8 tition if a parent of the child is actively engaged in
9 services to address the reasons the child entered care
10 (including treatment for substance use disorder,
11 mental health concerns, or parenting skills), if based
12 principally on the incarceration of a parent, or if
13 based principally on the detention of the parent by
14 the Department of Homeland Security or the depor-
15 tation of the parent;”.

16 **TITLE III—GENDER-INFORMED**
17 **ALTERNATIVES TO INCAR-**
18 **CERATION**

19 **SEC. 301. FEDERAL PRETRIAL DIVERSION.**

20 (a) IN GENERAL.—Chapter 201 of title 18, United
21 States Code, is amended by adding the following new sec-
22 tion at the end:

23 **“§ 3015. Federal pretrial diversion**

24 “(a) DEFINITIONS.—The following terms apply in
25 this section:

1 “(1) CRIMINAL CASE.—The term ‘criminal case’
2 means a Federal criminal offense or Federal juvenile
3 adjudication where a criminal complaint, information
4 or indictment has been filed, or where a criminal
5 complaint, information or indictment has not been
6 filed and the Government has a reasonable belief
7 that a prosecutable Federal offense may be filed.

8 “(2) DIVERTEE.—The term ‘divertee’ means an
9 adult or juvenile who is accepted to participate in a
10 pretrial diversion program.

11 “(3) PRETRIAL DIVERSION.—The term ‘pretrial
12 diversion’ means an alternative to criminal prosecu-
13 tion that diverts a defendant or juvenile away from
14 the traditional criminal justice process into a recidi-
15 vism reduction plan, and which results in a diver-
16 sionary disposition to a divertee who successfully
17 completes such recidivism reduction plan.

18 “(4) DIVERSIONARY DISPOSITION.—The term
19 ‘diversionary disposition’ means the termination of a
20 criminal case that results in—

21 “(A) the Government not filing a criminal
22 complaint, information, indictment or charge in
23 a criminal case;

1 “(B) dismissal of a criminal complaint, in-
2 dictment, information or charge against a
3 divertee; or

4 “(C) a conviction and imposition of a sen-
5 tence, or a juvenile adjudication and disposi-
6 tion, that does not include a term of incarcer-
7 ation, imprisonment or official detention.

8 “(5) RECIDIVISM REDUCTION PLAN.—The term
9 ‘recidivism reduction plan’ means a plan, ordered to
10 be completed by the Court, and that the divertee
11 agrees to complete in exchange for a diversionary
12 disposition which—

13 “(A) shall include supervision, at a fre-
14 quency and level to be determined by the Court;
15 and

16 “(B) may include classes, treatment, pro-
17 grams, assistance, requirements, restrictions, or
18 other conditions that are gender-responsive, and
19 are tailored specifically to the needs of the
20 divertee, which shall include partnerships with
21 nonprofit community-based organizations, and
22 shall include—

23 “(i) assistance with seeking, obtain-
24 ing, and maintaining employment;

1 “(ii) placement in job placement pro-
2 grams that partner with private employers;

3 “(iii) job skills classes, including com-
4 puter skills, technical skills, vocational
5 skills, and any other job-related skills;

6 “(iv) assistance with locating and
7 maintaining housing, including family-ac-
8 cessible housing, which may include coun-
9 seling as to public housing opportunities,
10 assistance with applications for public
11 housing benefits, and locating and/or se-
12 curing temporary or long-term housing;

13 “(v) obtaining an identification card
14 or driver’s license;

15 “(vi) registering to vote, and applying
16 for voting rights to be restored, where per-
17 mitted by law;

18 “(vii) assistance with, and require-
19 ments to apply for and remain in edu-
20 cation programs, including assistance with
21 applications for higher education loans and
22 program admission;

23 “(viii) financial counseling;

24 “(ix) referrals for legal assistance to
25 pursue record expungement, family law

1 and custody matters, legal aid services,
2 and relevant civil matters including hous-
3 ing and other issues;

4 “(x) assistance with obtaining trans-
5 portation, including through provision of
6 transit fare;

7 “(xi) familial counseling and par-
8 enting classes;

9 “(xii) problem-solving and life-skills
10 assistance or classes;

11 “(xiii) assistance with communication
12 needs, including providing a mobile phone,
13 mobile phone service or access, or internet
14 access;

15 “(xiv) assistance with applications for
16 State or Federal Government benefits,
17 where eligible;

18 “(xv) mentorship, including through
19 programs that facilitate such services by
20 formerly incarcerated or convicted individ-
21 uals;

22 “(xvi) physical and emotional trauma-
23 informed treatment, counseling, and ther-
24 apy;

1 “(xvii) medical and or mental health
2 services, and cognitive-behavioral program-
3 ming;

4 “(xviii) substance use treatment and
5 testing, including family-based residential
6 drug treatment;

7 “(xix) reactivation, application for and
8 maintaining professional or other licenses;

9 “(xx) payment of restitution, where
10 appropriate;

11 “(xxi) restorative justice-based re-
12 quirements; and

13 “(xxii) any other needs-based assist-
14 ance or requirement designed to reduce re-
15 cidivism.

16 “(6) RESTORATIVE JUSTICE.—The term ‘re-
17 storative justice’ means a creative solution that fo-
18 cuses on repairing the harm caused by crime and re-
19 ducing future harm through crime prevention, and
20 which requires justice-involved individuals to take re-
21 sponsibility for their actions, seeks redress for vic-
22 tims, and the healing and reintegration of both with-
23 in the community.

24 “(b) DIVERSION AUTHORIZED.—Upon application by
25 a defendant, the Government, United States Probation

1 and Pretrial Services, or sua sponte by the Court, a
2 United States Court with jurisdiction over a criminal case
3 may divert such case into a pretrial diversion program
4 under this section at any time prior to imposition of a
5 sentence or disposition.

6 “(c) PARTICIPATION REQUIREMENTS.—Participation
7 in the program requires—

8 “(1) voluntary agreement to participate by the
9 divertee, after being presented with the Court’s pro-
10 posed pretrial diversion order as required under sub-
11 section (e);

12 “(2) a signed waiver by the divertee that waives
13 the right to a speedy trial for as much time as is
14 needed for participation in the diversionary program
15 as determined by the Court, and waiver of present-
16 ment of the case within the statute of limitations, if
17 necessary, as determined by the Court; and

18 “(3) that the divertee be afforded the advice of
19 counsel, and if the divertee cannot afford counsel,
20 that counsel be appointed at no cost to the divertee.

21 “(d) PRETRIAL DIVERSION DETERMINATION APPLI-
22 CATION PROCESS.—Upon the application for pretrial di-
23 version of a criminal case, the applicant shall be referred
24 to either the Chief Pretrial Services Officer or the Chief
25 Probation Officer for a report, that shall include—

1 “(1) the applicant’s criminal history, back-
2 ground and characteristics, and the facts sur-
3 rounding an applicant’s criminal case;

4 “(2) a recommendation to the Court whether a
5 pretrial diversion program is appropriate for the ap-
6 plicant; and

7 “(3) a needs-based assessment of the applicant,
8 and a recommendation for a recidivism reduction
9 plan tailored to the needs of the applicant, whether
10 or not a pretrial diversion program is recommended.

11 “(e) PRETRIAL DIVERSION ORDER.—Upon review of
12 the report described in subsection (e), and any argument,
13 testimony and evidence presented by the Government and
14 the applicant, the Court shall enter an order approving
15 or denying the application of pretrial diversion, such an
16 order shall include—

17 “(1) in the case of an order denying the appli-
18 cation of pretrial diversion, a statement of reasons
19 for such denial; and

20 “(2) in the case of an order granting the appli-
21 cation of pretrial diversion—

22 “(A) the date that the pretrial diversion
23 period begins, and date, whereby, if successful
24 completion is determined by the Court, a diver-
25 sionary disposition may be entered;

1 “(B) the recidivism reduction plan which
2 must be successfully completed by the divertee
3 in order to receive a diversionary disposition;

4 “(C) the type of diversionary disposition
5 that the divertee will receive if the divertee suc-
6 cessfully completes the recidivism reduction
7 plan, including opportunities for record
8 expungement, which shall include the approval
9 of the Government where required by law; and

10 “(D) the alternative disposition of the
11 criminal case if the Court determines the
12 divertee has not successfully completed the re-
13 cidivism reduction plan.

14 “(f) UNSUCCESSFUL TERMINATION OF PRETRIAL
15 DIVERSION.—A divertee is entitled to a hearing before the
16 divertee’s pretrial diversion may be terminated. Upon
17 breach of a condition of the recidivism reduction plan by
18 the divertee, the U.S. Probation and Pretrial Services Of-
19 fice may so inform the Court, who shall determine whether
20 such breach should warrant termination of diversion.

21 “(g) SUCCESSFUL TERMINATION OF PRETRIAL DI-
22 VERSION.—If the Court determines that a divertee has
23 successfully completed a recidivism reduction program as
24 provided in the terms of the pretrial diversion order, the

1 Court shall enter a diversionary disposition order, as fol-
2 lows:

3 “(1) Upon approval of the Government, a crimi-
4 nal complaint, information, indictment or charge in
5 a criminal case shall not be filed, and the Court
6 shall order proceedings terminated.

7 “(2) Upon approval of the Government, dis-
8 missal of a criminal complaint, information, indict-
9 ment or charge against a diverttee shall be ordered
10 and proceedings terminated.

11 “(3) In the case of a diverttee who has agreed
12 to plead guilty to a criminal offense, a judgment of
13 conviction and imposition of a sentence, or a juvenile
14 adjudication shall be ordered, and notwithstanding
15 any mandatory term of imprisonment provided for
16 by law, the Court may order no term of incarcer-
17 ation.

18 The Court is authorized to permit withdrawal of a guilty
19 plea under this subsection.

20 “(h) CONFIDENTIALITY.—All information obtained in
21 the course of making the decision to divert a justice-in-
22 volved individual and all information obtained by treat-
23 ment providers, class instructors, and other required pro-
24 gram providers in the course of completing a recidivism
25 reduction plan shall not be used against the diverttee in

1 criminal proceedings or at sentencing, except that in the
 2 case of a recommendation for termination of diversion, in-
 3 formation regarding the divertee’s participation in such
 4 program may be used for purposes of termination pro-
 5 ceedings.

6 “(i) PRETRIAL DIVERSION PROGRAM PREFER-
 7 ERENCE.—Where authorized by law, pretrial diversion
 8 program acceptance shall be prioritized in criminal cases
 9 where an applicant demonstrates a history of physical or
 10 emotional trauma, sexual or physical abuse, substance
 11 abuse, mental illness, or vulnerable circumstances such as
 12 pregnancy, disability, homelessness, physical health chal-
 13 lenges, or the immediate familial economic needs of an ap-
 14 plicant.”.

15 (b) CONFORMING AMENDMENT.—The table of con-
 16 tents of chapter 201 of title 18, United States Code, is
 17 amended by adding at the end the following:

“3015. Federal pretrial diversion”.

18 **TITLE IV—CONSPIRACY REFORM**
 19 **ACT—FIXING THE**
 20 **“GIRLFRIEND PROBLEM”**

21 **SEC. 401. FOCUSING PENALTIES FOR DRUG CONSPIRACY.**

22 (a) CONTROLLED SUBSTANCES ACT.—Section 406 of
 23 the Controlled Substances Act (21 U.S.C. 846) is amend-
 24 ed by striking “subject to the same penalties as those pre-
 25 scribed for the offense, the commission of which was the

1 object of the attempt or conspiracy” and inserting “fined
2 under title 18, United States Code, imprisoned not more
3 than 5 years, or both, except that in no case may the pen-
4 alty for an offense under this section exceed any penalty
5 for the underlying substantive offense, the commission of
6 which was the object of the attempt or conspiracy”.

7 (b) CONTROLLED SUBSTANCES IMPORT AND EXPORT
8 ACT.—Section 1013 of the Controlled Substances Import
9 and Export Act (21 U.S.C. 963) is amended by striking
10 “subject to the same penalties as those prescribed for the
11 offense, the commission of which was the object of the at-
12 tempt or conspiracy” and inserting “fined under title 18,
13 United States Code, imprisoned not more than 5 years,
14 or both, except that in no case may the penalty for an
15 offense under this section exceed the penalty for the un-
16 derlying offense, the commission of which was the object
17 of the attempt or conspiracy”.

18 **SEC. 402. INCREASING JUDICIAL DISCRETION TO SEN-**
19 **TENCE LESS CULPABLE JUSTICE-INVOLVED**
20 **INDIVIDUALS.**

21 (a) IN GENERAL.—Section 3553(e) of title 18,
22 United States Code, is amended—

23 (1) by striking “Upon motion” and inserting:

24 “(1) MOTION OF THE GOVERNMENT.—Upon
25 motion”;

1 (2) by striking the second sentence; and

2 (3) by adding at the end the following:

3 “(2) MOTION OF A PARTY OR THE COURT.—

4 The Court, sua sponte, or on the motion of a party,
5 shall have the authority to impose a sentence below
6 a level established by statute as a minimum sentence
7 if the defendant shows that—

8 “(A) the defendant did not provide sub-
9 stantial assistance described in paragraph (1)
10 based on a reasonable fear of serious bodily in-
11 jury (as such term is defined in section 113) to
12 the defendant, an intimate partner, child, or
13 other family member of the defendant;

14 “(B) the prosecution fails to demonstrate
15 that the defendant has useful information that
16 could be used by the Government in the inves-
17 tigation or prosecution of another person who
18 has committed an offense; or

19 “(C) the defendant has provided substan-
20 tial assistance described in paragraph (1), but
21 the Government has not made a motion under
22 such paragraph.

23 “(3) SENTENCING GUIDELINES.—A sentence
24 under paragraph (1) or (2) shall be imposed in ac-
25 cordance with the guidelines and policy statements

1 issued by the Sentencing Commission pursuant to
2 section 994 of title 28, United States Code.”.

3 (b) COUNTERFEIT CONTROLLED SUBSTANCES.—
4 Section 401 of the Controlled Substances Act (21 U.S.C.
5 841) is amended by adding at the end the following:

6 “(i) In the case of a person who conspires to commit
7 an offense under this title, the type and quantity of the
8 controlled or counterfeit substance for the offense that was
9 the object of the conspiracy shall be the type and quantity
10 involved in—

11 “(1) the defendant’s own unlawful acts; and

12 “(2) any unlawful act of a co-conspirator
13 that—

14 “(A) the defendant agreed to jointly under-
15 take;

16 “(B) was in furtherance of that unlawful
17 act the defendant agreed to jointly undertake;
18 and

19 “(C) was known to and intended by the de-
20 fendant.”.

21 (c) COUNTERFEIT CONTROLLED SUBSTANCES IM-
22 PORT AND EXPORT.—Section 1010 of the Controlled Sub-
23 stances Import and Export Act (21 U.S.C. 960) is amend-
24 ed by adding at the end the following:

1 “(e) In the case of a person who conspires to commit
2 an offense under this title, the type and quantity of the
3 controlled or counterfeit substance for the offense that was
4 the object of the conspiracy shall be the type and quantity
5 involved in—

6 “(1) the defendant’s own unlawful acts; and

7 “(2) any unlawful act of a co-conspirator
8 that—

9 “(A) the defendant agreed to jointly under-
10 take;

11 “(B) was in furtherance of that unlawful
12 act the defendant agreed to jointly undertake;
13 and

14 “(C) was known to and intended by the de-
15 fendant.”.

16 **SEC. 403. CLARIFYING CULPABILITY AT SENTENCING.**

17 Section 3661 of title 18, United States Code, is
18 amended by striking the period at the end and inserting
19 the following: “, except that such a court may not con-
20 sider, except for purposes of mitigating a sentence—

21 “(1) any act with respect to which the person
22 was criminally charged and adjudicated not guilty
23 after trial in a Federal, State, or Tribal, court, or
24 in the case of a juvenile an act that was charged and

1 for which the juvenile was found not responsible
2 after a juvenile adjudication hearing; or

3 “(2) any act underlying a criminal charge or ju-
4 venile information that was dismissed in a Federal
5 court upon a motion for acquittal under rule 29 of
6 the Federal Rules of Criminal Procedure, or in a
7 State or Tribal court upon a motion for acquittal or
8 an analogous motion under the applicable State rule
9 of criminal procedure.”.

10 **TITLE V—GENDER-RESPONSIVE**
11 **AND TRAUMA-INFORMED IM-**
12 **POSITION OF A SENTENCE**

13 **SEC. 501. GENDER AND TRAUMA-INFORMED SENTENCING.**

14 Section 3553 of title 18, United States Code, is
15 amended in subsection (a)(2)—

16 (1) in subparagraph (C), by striking “and”;
17 and

18 (2) by striking subparagraph (D) and inserting
19 the following:

20 “(D) to reflect any mitigation on behalf of
21 the defendant, including any history of trauma,
22 substance use, or medical and mental health
23 disorders; and

24 “(E) to provide the defendant with gender-
25 responsive needed educational or vocational

1 training, medical care, trauma-informed mental
2 health care, or other correctional treatment in
3 the most effective manner;”.

4 **TITLE VI—GENDER-RESPONSIVE**
5 **PRISON REFORM**

6 **SEC. 601. HEALTH CARE NEEDS OF INCARCERATED WOMEN**
7 **IN THE BUREAU OF PRISONS.**

8 (a) IN GENERAL.—The Director of the Bureau of
9 Prisons, in consultation with the Administrator of the
10 Women and Special Populations Branch, shall ensure that
11 all incarcerated women have access to basic standards of
12 health care specific to their needs.

13 (b) OBSTETRICS AND GYNECOLOGY.—The Director
14 shall ensure that all incarcerated persons in need of ob-
15 stetric or gynecological care have access to a licensed med-
16 ical professional with specialized training in such care,
17 which shall include, in addition to any medical treatment
18 provided by law and Bureau of Prisons policy—

19 (1) a screening upon intake into the Bureau of
20 Prisons, and annual screening thereafter, that shall
21 include screening for high-risk factors as provided
22 under subsection (c);

23 (2) testing for Hepatitis A, B, and C;

24 (3) tuberculosis skin testing;

1 (4) testing for sexually transmitted infections,
2 which shall include chlamydia, gonorrhea, syphilis,
3 and human immunodeficiency virus (HIV), and may
4 include testing for other infections if symptoms
5 present;

6 (5) a breast examination screening no less fre-
7 quently than recommended by medical professionals
8 adhering to guidelines published by the Secretary of
9 Health and Human Services; and

10 (6) a pelvic examination to include a Pap smear
11 and testing for human papillomavirus (HPV) no less
12 than every three years, but within 48 hours if med-
13 ical history or symptoms require, with the option of
14 being accompanied by a trained medical chaperone
15 during this examination.

16 (c) HUMAN PAPILLOMAVIRUS VACCINE FOR JUVE-
17 NILES.—The Director shall amend Bureau of Prisons pol-
18 icy for human papillomavirus screening and vaccination to
19 include access for juvenile justice-involved individuals.

20 (d) DENTAL CARE.—The Director shall ensure that
21 dental care for incarcerated persons complies with the
22 standards developed by the Americans with Disabilities
23 Act (ADA), Standards Administration Department, and
24 not later than one year after enactment of this section,
25 the Director, in consultation with the Chief of Dental Pro-

1 grams shall report to the Committees on the Judiciary of
2 the Senate and the House of Representatives and the Sub-
3 committees on Commerce, Justice, Science, and Related
4 Agencies of the Committees on Appropriations of the Sen-
5 ate and the House of Representatives, and such report
6 shall include—

7 (1) the number of incarcerated persons who
8 have requested dental care, disaggregated by race
9 and gender;

10 (2) the number of incarcerated persons who
11 have received dental care, disaggregated by race and
12 gender;

13 (3) the number of incarcerated persons who are
14 on waitlists for dental care disaggregated by race
15 and gender; and

16 (4) the number of incarcerated persons who
17 have been refused requested dental care,
18 disaggregated by race and gender, and the reasons
19 for such refusals.

20 (e) HIGH-RISK INCARCERATED PERSON
21 HEALTHCARE.—Female incarcerated persons who present
22 with any high-risk factors during any screening, shall be
23 provided with care as follows:

1 (1) Screening for bone density in post-
2 menopausal persons younger than 65 years if any of
3 the following risk factors are noted:

4 (A) Medical history of a fragility fracture.

5 (B) Body weight less than 127 pounds.

6 (C) Medical causes of bone loss (medica-
7 tions or diseases).

8 (D) Parental medical history of hip frac-
9 ture.

10 (E) Current smoker.

11 (F) Alcoholism.

12 (G) Rheumatoid arthritis.

13 (2) For incarcerated persons with a medical
14 history of preeclampsia who gave birth less than
15 37⁰/₇ weeks of gestation, or who have a medical his-
16 tory of recurrent preeclampsia, a yearly assessment
17 of blood pressure, lipids, fasting blood glucose, and
18 body mass index.

19 (3) Screening for colorectal cancer for incarcer-
20 ated persons who—

21 (A) are age 50 and above;

22 (B) have a first-degree relative younger
23 than age 60 or two or more first-degree rel-
24 atives of any age who have had colorectal can-
25 cer;

1 (C) have a family history of familial ade-
2 nomatous polyposis or hereditary nonpolyposis
3 colon cancer; or

4 (D) have a history of colorectal cancer, ad-
5 enomalous polyps, inflammatory bowel disease,
6 chronic ulcerative colitis, or Crohn's disease.

7 (4) Diabetes testing for incarcerated persons
8 who—

9 (A) are overweight or obese;

10 (B) every three years for any incarcerated
11 person who has delivered a baby weighing 9
12 pounds or more, or was diagnosed with gesta-
13 tional diabetes mellitus (GDM) and normal
14 postpartum screening test results;

15 (C) have been diagnosed with hypertension
16 or are on therapy for hypertension;

17 (D) have been diagnosed with a high cho-
18 lesterol level or a high triglyceride level;

19 (E) have been diagnosed with polycystic
20 ovary syndrome;

21 (F) have other clinical conditions associ-
22 ated with insulin resistance; or

23 (G) have a history of cardiovascular dis-
24 ease.

1 (5) Hemoglobin level assessments for incarcer-
2 ated persons who have a history of excessive men-
3 strual flow.

4 (6) Lipid profile assessments for incarcerated
5 persons who—

6 (A) have a family history suggestive of fa-
7 miliar hyperlipidemia;

8 (B) have a family history of premature
9 cardiovascular disease;

10 (C) have a previous personal history of cor-
11 onary heart disease or noncoronary athero-
12 sclerosis, or abdominal aortic aneurysm, periph-
13 eral artery disease, or carotid artery stenosis;

14 (D) are obese;

15 (E) have a personal or family history of
16 peripheral vascular disease;

17 (F) have diabetes mellitus;

18 (G) have multiple coronary heart disease
19 risk factors, such as tobacco use and hyper-
20 tension;

21 (H) an annual lipid assessment for female
22 incarcerated persons who have a medical history
23 of preeclampsia who gave birth preterm, or who
24 have a medical history of recurrent
25 preeclampsia.

1 (7) A mammography and triple negative breast
2 cancer screening for incarcerated persons who—

3 (A) have had breast cancer or who have a
4 first-degree relative or multiple other relatives
5 who have a history of premenopausal breast or
6 breast and ovarian cancers;

7 (B) have tested positive for BRCA1 or
8 BRCA2 mutations;

9 (C) received thoracic irradiation, a typi-
10 cally as a treatment for lymphoma, between the
11 ages of 10 and 30; and

12 (D) have a personal history of high-risk
13 breast biopsy results, including atypical
14 hyperplasia and lobular carcinoma in situ.

15 (8) Thyroid-stimulating hormone testing for fe-
16 male incarcerated persons with a strong family his-
17 tory of thyroid disease or autoimmune disease.

18 (9) Screening and appropriate treatment for in-
19 carcerated persons with diagnosis of sickle cell ane-
20 mia.

21 (f) CONTRACEPTIVE CASE.—The Director shall en-
22 sure access to contraceptive care for an incarcerated per-
23 son if determined to be medically recommended by a li-
24 censed obstetrician-gynecologist.

1 (g) CONFIDENTIALITY.—All medical reports and
2 health records drafted or stored within the Bureau of Pris-
3 ons may not be exchanged, transferred, or used for the
4 purpose of any criminal investigation or prosecution feder-
5 ally, or under the laws of any State, local or Tribal govern-
6 ment.

7 **SEC. 602. TRAUMA-INFORMED CARE.**

8 (a) TRAINING.—The Director of the Bureau of Pris-
9 ons, in collaboration with the Bureau of Prisons Health
10 Services Department, the Bureau of Prisons Women and
11 Special Populations Branch, and the Department of
12 Health & Human Services, shall develop and implement
13 training for Bureau of Prisons officers and employees that
14 complies with national standards on trauma-informed
15 care, and which shall include—

16 (1) recognition of the impact of trauma on mul-
17 tiple areas of life and different paths to recovery;

18 (2) awareness of the signs and symptoms of
19 trauma, and methods to respond to trauma;

20 (3) training on revised policies and practices
21 that account for and are sensitive to potential trau-
22 ma histories;

23 (4) methods to prevent retraumatization; and

24 (5) awareness of the high rates of trauma
25 among incarcerated persons and the higher rates of

1 trauma among female incarcerated persons, and the
2 causes of such trauma.

3 (b) TRAUMA SCREENING.—The Director of the Bu-
4 reau of Prisons, in collaboration with the Bureau of Pris-
5 ons Health Services Department, the Bureau of Prisons
6 Women and Special Populations Branch, and the Depart-
7 ment of Health & Human Services, shall develop and im-
8 plement a trauma-screening program upon intake of all
9 incarcerated persons into the Bureau of Prisons. Such
10 screening shall also be incorporated into the periodic as-
11 sessments of incarcerated persons under section 101 and
12 section 102 of the First Step Act.

13 (c) TRAUMA-INFORMED THERAPY AND COUN-
14 SELING.—The Director of the Bureau of Prisons, in col-
15 laboration with the Bureau of Prisons Health Services De-
16 partment, the Bureau of Prisons Women and Special Pop-
17 ulations Branch, and the Department of Health & Human
18 Services, shall create trauma, and posttraumatic stress
19 disorder, counseling and trauma-informed support pro-
20 grams for incarcerated persons who have experienced
21 trauma, which programs shall be administered by a li-
22 censed mental health professional, and shall include—

23 (1) assistance with methods to cope with trau-
24 ma, including the development of safety plans and
25 strategies for dealing with triggers; and

1 (2) programs and therapy modalities that di-
2 rectly address trauma within incarcerated popu-
3 lations, which may include—

4 (A) programs designed for the treatment
5 of individuals with co-occurring post-traumatic
6 stress disorder and substance use symptoms;

7 (B) group intervention programs;

8 (C) individual counseling;

9 (D) gender-responsive programs for female
10 trauma survivors;

11 (E) programs designed for trauma sur-
12 vivors who have severe mental health disorders;

13 (F) Prolonged Exposure Therapy;

14 (G) Eye Movement Desensitization and
15 Reprocessing;

16 (H) peer-to-peer support programming;

17 and

18 (I) any other evidence-based trauma-in-
19 formed and gender-responsive treatment or
20 therapy.

21 (d) REPORT.—Beginning on the date that is 2 years
22 after the date of enactment of this title, and annually
23 thereafter, the Bureau of Justice Statistics shall submit
24 a report to the Committees on the Judiciary of the Senate
25 and the House of Representatives and the Subcommittees

1 on Commerce, Justice, Science, and Related Agencies of
2 the Committees on Appropriations of the Senate and the
3 House of Representatives that contains the following:

4 (1) The number of incarcerated persons
5 screened for trauma exposure under this title, and
6 the number of incarcerated persons presenting with
7 a history of exposure to trauma at intake and upon
8 reassessment, including demographic percentages by
9 age, race, and gender.

10 (2) The specific trauma-informed counseling
11 and treatment programs developed under subsection
12 (c).

13 (3) The number of incarcerated persons who
14 participate in each trauma-informed counseling and
15 treatment program developed under subsection (c),
16 including demographic percentages by age, race, and
17 gender.

18 (4) The number of incarcerated persons on a
19 waitlist for such program developed under subsection
20 (c), including demographic percentages by age, race,
21 and gender.

22 The Director of the Bureau of Prisons shall promptly re-
23 spond to requests from the Bureau of Justice Statistics
24 for access to Bureau of Prisons facilities, personnel, and
25 information, in the completion of this report.

1 **SEC. 603. TRAUMA-INFORMED AND GENDER-RESPONSIVE**
2 **TRAINING AND STAFFING.**

3 (a) GENDER-RESPONSIVE TRAINING.—The Director
4 of the Bureau of Prisons, in collaboration with the Bureau
5 of Prisons Health Services Department, the Bureau of
6 Prisons Women and Special Populations Branch, and the
7 Department of Health & Human Services, shall develop
8 and implement gender-responsive training for Bureau of
9 Prisons officers and employees which shall include incor-
10 porating gender-responsive components to all existing
11 training for all correctional officers and employees, and
12 shall include separate training on the unique needs of in-
13 carcerated women for all correctional officers and employ-
14 ees in facilities that house women and female juveniles,
15 and all such trainings shall include training on—

16 (1) common characteristics of female incarcer-
17 ated persons, including data on the numbers of
18 women in Bureau of Prisons custody, and generally
19 the race, charges, age, and common sentences of
20 women in the criminal justice system;

21 (2) reasons why women enter the criminal jus-
22 tice system, and gender-responsive policy and prac-
23 tice that target women’s pathways to criminality by
24 providing effective interventions that address the
25 intersecting issues of substance abuse, trauma, men-
26 tal health, and economic marginality;

1 (3) the high rates of trauma that justice in-
2 volved women are exposed to;

3 (4) the high rates of mental health diagnosis
4 among women justice-involved individuals;

5 (5) the menstrual needs, general health, and re-
6 productive health care needs, of women;

7 (6) the high rates of motherhood amongst fe-
8 male incarcerated persons, and their ongoing roles
9 as mothers and community members; and

10 (7) the low risk to public safety created by the
11 typical offenses committed by justice-involved
12 women.

13 (b) STAFFING.—The Director of the Bureau of Pris-
14 ons shall ensure that correctional employees dedicated to
15 the Women And Special Populations Branch be—

16 (1) sufficient to ensure consistent, professional
17 supervision of female incarcerated persons;

18 (2) sufficient to ensure proper gender-respon-
19 sive implementation of Bureau of Prisons polices
20 and legislative mandates;

21 (3) sufficient to properly evaluate programming
22 needs, develop, and administer programs for all eligi-
23 ble female incarcerated persons;

1 (4) sufficient to ensure that women prisoners in
2 the Bureau of Prisons are healthy and safe from
3 harm; and

4 (5) shall not be less than twelve full time em-
5 ployees.

6 **SEC. 604. IMPROVING THE BUREAU OF PRISONS RESOLVE**
7 **TRAUMA THERAPY PROGRAM.**

8 (a) **GENERALLY.**—The Director shall ensure that the
9 Resolve Trauma Therapy Program is offered at all institu-
10 tions that house female incarcerated persons, and that all
11 female incarcerated persons who seek treatment through
12 the Resolve Trauma Therapy Program have access to such
13 program beginning during the first twelve months of the
14 incarcerated person’s sentence.

15 (b) **RESOLVE PROGRAM PREREQUISITE NOTICE AND**
16 **ACCESS.**—The Director shall ensure that all female incar-
17 cerated persons are provided notice of the Resolve Pro-
18 gram and the prerequisites for admittance into the pro-
19 gram. Any such prerequisites, which may include a Trau-
20 ma in Life seminar and psychological screening test, shall
21 be offered to all female incarcerated persons to begin with-
22 in 60 days of intake into the Bureau of Prisons.

23 (c) **RESOLVE PROGRAM STAFFING.**—The Director
24 shall ensure that sufficient correctional employees are em-
25 ployed at each facility that houses female incarcerated per-

1 sons, in order to comply with this section, which shall in-
2 clude, at minimum, one Resolve Coordinator at each loca-
3 tion and one Treatment Specialist, but may include any
4 number of correctional employees as needed.

5 (d) SPANISH LANGUAGE RESOLVE PROGRAM.—The
6 Director shall ensure that the Resolve Program is offered
7 in Spanish and accessible for all Spanish-speaking female
8 incarcerated persons.

9 (e) REPORT.—Beginning on the date that is 1 year
10 after the date of enactment of this title, and annually
11 thereafter, the Attorney General shall submit a report to
12 the Committees on the Judiciary of the Senate and the
13 House of Representatives and the Subcommittees on Com-
14 merce, Justice, Science, and Related Agencies of the Com-
15 mittees on Appropriations of the Senate and the House
16 of Representatives that contains the following:

17 (1) The number of female incarcerated persons
18 who complete the Trauma in Life seminar and psy-
19 chological screening test prerequisites for access to
20 the Resolve Program, and whether each incarcerated
21 person began such Resolve Program prerequisites
22 within 60 days of intake into the Bureau of Prisons,
23 and if not within 60 days of intake when they began
24 program prerequisites.

1 (2) The number of female incarcerated persons
2 who complete the Resolve Program, annually, and
3 whether such program participation began within 1
4 year of intake into the Bureau of Prisons, and if
5 not, how soon such program participation began and
6 was completed.

7 (3) The number of individuals on waitlists, if
8 any, for Resolve Program access.

9 (4) The number of full-time correctional em-
10 ployees dedicated to work within the Resolve Pro-
11 gram and vacancies during the previous calendar
12 year.

13 (5) The number of female incarcerated persons
14 who complete the Resolve Program in Spanish, and
15 the number of Spanish-speaking female incarcerated
16 persons who are on waitlists for program access.

17 (6) The number of female incarcerated persons
18 who qualify for Resolve Program access but were not
19 afforded participation in the program before release.

20 **SEC. 605. GENDER-RESPONSIVE PROGRAMS IN THE BU-**
21 **REAU OF PRISONS.**

22 (a) **GENERALLY.**—The Director, in consultation with
23 the Director of the Women and Special Populations
24 Branch, shall ensure that all incarcerated person pro-

1 grams and services are gender-responsive and all pro-
2 grams shall—

3 (1) consider the national profile of women who
4 enter the criminal justice system, which is most
5 often disproportionately women of color, and women
6 who are likely to have been convicted of a drug or
7 drug-related offense, have fragmented family his-
8 tories, with other family members also involved with
9 the criminal justice system, are survivors of physical
10 and/or sexual abuse as children and adults, have sig-
11 nificant substance abuse problems, have multiple
12 physical and mental health problems, are mothers
13 and legal guardians of minor children, and have lim-
14 ited vocational training and sporadic work histories;

15 (2) be evidence-based, and responsive to data
16 concerning the distinguishing aspects of different
17 genders of justice-involved individuals;

18 (3) address substance misuse, trauma, and
19 mental health issues through comprehensive, inte-
20 grated, services;

21 (4) provide opportunities through education and
22 training to provide women with opportunities to im-
23 prove socioeconomic conditions;

24 (5) have a relational component wherever pos-
25 sible, and goals to promote healthy connections to

1 children, family, significant others, and the commu-
2 nity;

3 (6) consider the pattern of emotional, physical,
4 and sexual abuse that many female justice-involved
5 individuals have experienced, and mitigate against
6 an abusive environment and traumatization; and

7 (7) be otherwise gender-responsive based on
8 empirical evidence and research.

9 (b) **ENSURING FIRST STEP ACT EARLY RELEASE**
10 **PROGRAMS ARE GENDER-RESPONSIVE.**—Section 3635(3)
11 of title 18, United States Code, is amended—

12 (1) in subparagraph (B), by striking “and”;

13 (2) by redesignating subparagraph (C) as sub-
14 paragraph (D); and

15 (3) by inserting the following after subpara-
16 graph (B):

17 “(C) are gender-responsive, in compliance
18 with section 5 of title VI of the Gender-In-
19 formed Justice Act; and”.

20 **SEC. 606. GENDER-RESPONSIVE PRISON CONDITIONS.**

21 (a) **GENERALLY.**—The Director shall ensure all insti-
22 tutions that house female incarcerated persons maintain
23 the same minimum standard of care and conditions as in-
24 stitutions that house male incarcerated persons. Lack of
25 resources shall not be sufficient reason for failing to meet

1 minimum standards of treatment or conditions where such
2 failure constitutes a violation of incarcerated persons' con-
3 stitutional or statutory rights.

4 (b) MINIMUM STANDARD OF CONDITIONS.—The
5 term “standard of conditions” means the provision of ade-
6 quate care and treatment in compliance with the United
7 States Constitution and laws of the United States, and
8 shall at minimum include—

9 (1) safe and orderly conditions in all correc-
10 tional institutions;

11 (2) a goal to prepare prisoners to live law-abid-
12 ing lives upon release, and to facilitate prisoners' re-
13 integration into free society by implementing appro-
14 priate conditions of confinement and by sustained
15 planning for such reintegration;

16 (3) protection of incarcerated persons from
17 harm, with restrictions placed on incarcerated per-
18 sons only that are necessary and proportionate to
19 the legitimate objectives for which those restrictions
20 are imposed;

21 (4) a respect of the human rights and dignity
22 of incarcerated persons, with no incarcerated person
23 being subjected to cruel, inhuman, or degrading
24 treatment or conditions;

1 (5) for a convicted individual, loss of liberty and
2 separation from society should be the sole punish-
3 ments imposed by imprisonment;

4 (6) appropriate levels of correctional officers
5 and employees;

6 (7) implementation of internal processes for
7 continually assessing and improving each correc-
8 tional facility;

9 (8) humane and healthful living conditions;

10 (9) necessary health care;

11 (10) freedom from staff harassment and invid-
12 ious discrimination;

13 (11) freedom of religion and substantial free-
14 dom of expression;

15 (12) equal conditions conducive to maintaining
16 healthy relationships with families;

17 (13) equal opportunities to participate in con-
18 structive activity and rehabilitative programs;

19 (14) access to gender-responsive and com-
20 prehensive community-based reentry programs and
21 planning, including family reunification legal clinics
22 within correctional facilities where present;

23 (15) all Bureau of Prisons physical facilities
24 shall—

1 (A) be adequate to protect and promote
2 the health and safety of incarcerated persons
3 and staff;

4 (B) be clean and well-maintained;

5 (C) include appropriate housing, laundry,
6 health care, food service, visitation, recreation,
7 education, and program space;

8 (D) have appropriate heating and ventila-
9 tion systems;

10 (E) not deprive prisoners or staff of nat-
11 ural light, of light sufficient to permit reading
12 throughout prisoners' housing areas, and of
13 reasonable darkness during the sleeping hours;

14 (F) be free from tobacco smoke and exces-
15 sive noise;

16 (G) allow unrestricted access for prisoners
17 to potable drinking water and to adequate,
18 clean, reasonably private, and functioning toi-
19 lets and washbasins; and

20 (H) comply with health, safety, and build-
21 ing codes, subject to regular inspection;

22 (16) all Bureau of Prisons facility housing con-
23 ditions shall—

24 (A) include living quarters of adequate
25 size, with single-occupancy cells as the preferred

1 form of housing, but facilities that must use
2 multiple-person living quarters should provide
3 sufficient staffing, supervision, and personal
4 space to ensure safety for persons and security
5 for their belongings, and to ensure that all liv-
6 ing quarters and personal hygiene areas are de-
7 signed to facilitate adequate and appropriate
8 supervision of incarcerated persons and to allow
9 such persons privacy consistent with their secu-
10 rity classification;

11 (B) at a minimum, include a bed and mat-
12 tress off the floor for each incarcerated person,
13 a writing area and seating, an individual secure
14 storage compartment sufficient in size to hold
15 personal belongings and legal papers, a source
16 of natural light, and light sufficient to permit
17 reading; and

18 (C) sufficient access to showers at an ap-
19 propriate temperature to enable each incarcer-
20 ated person to shower as frequently as nec-
21 essary, and allowing for gender appropriate sep-
22 aration, to maintain general hygiene;

23 (17) living quarters and associated common
24 areas shall be maintained in a sanitary condition;

1 (18) correctional authorities should provide
2 prisoners with clean, appropriately sized clothing
3 suited to the season and facility temperature and to
4 the prisoner's work assignment and gender identity,
5 in quantities sufficient to allow for a daily change of
6 clothing and permitting incarcerated persons oppor-
7 tunities to mend and machine launder their clothing
8 if the facility does not provide these services;

9 (19) to the extent practicable and consistent
10 with safety concerns, correctional authorities should
11 minimize the periods during the day in which pris-
12 oners are required to remain in their cells;

13 (20) incarcerated persons shall be provided
14 daily opportunities for significant out-of-cell time
15 and for recreation at appropriate hours that allows
16 them to maintain physical health and, for incarcer-
17 ated persons not otherwise prohibited by specific
18 health or safety concerns, to socialize with other in-
19 carcerated persons, and at minimum all incarcerated
20 persons shall be offered the opportunity for at least
21 one hour per day of exercise, in the open air if the
22 weather permits; and

23 (21) incarcerated persons should be permitted,
24 whenever practicable, to eat in a congregate setting,
25 whether that is a specialized room or a housing area

1 dayroom, absent an individualized decision that a
2 congregate setting is inappropriate for a particular
3 individual, and incarcerated persons shall be allowed
4 an adequate time to eat each meal.

5 (c) INCARCERATED PERSON CONDITIONS DURING
6 MENSTRUATION.—The Director, in consultation with the
7 Director of the Women and Special Populations Branch,
8 shall ensure that incarcerated persons during the time of
9 menstruation are treated with dignity and respect, and
10 that such incarcerated persons are given appropriate med-
11 ical and hygienic care, including as necessary for pain re-
12 lief. This shall include free and adequate supply of men-
13 strual materials as well as sufficient access to toilet paper

14 **SEC. 607. GENDER-SPECIFIC POSTS.**

15 The Director shall ensure that ensure the assignment
16 of female staff at locations in female institutions where
17 incarcerated person searches are common, such that Bu-
18 reau of Prisons is in compliance with the Prison Rape
19 Elimination Act of 2003 without requiring female Correc-
20 tional Officers to leave other assigned posts.

21 **SEC. 608. FEMALE INCARCERATED PERSON NUTRITIONAL**
22 **STANDARDS.**

23 (a) NUTRITIONAL STANDARDS FOR FEMALE INCAR-
24 CERATED PERSONS.—The Director shall revise the Bu-
25 reau of Prisons standards for nutrition to ensure they are

1 gender-specific, and that women receive a healthy diet con-
2 sistent with national dietary guidelines for women.

3 (b) NUTRALOAF PROHIBITED.—The Director shall
4 ensure that food quantity, type, or the prohibition of food,
5 shall never be used as a means of discipline, and the Bu-
6 reau of Prisons shall never provide as meals to incarcer-
7 ated persons “Nutraloaf”, ground up leftovers, or any
8 similar meal.

9 (c) PREGNANT AND LACTATING INCARCERATED PER-
10 SONS.—For pregnant and lactating incarcerated persons
11 nutrition standards shall reflect the following:

12 (1) Access to at least 64–96 ounces of fluid per
13 day.

14 (2) Access to appropriate dietary supplements.

15 (3) Caloric supplementation as medically appro-
16 priate not from processed meats associated with
17 listeriosis.

18 **SEC. 609. GENDER-RESPONSIVE DISCIPLINE POLICIES.**

19 (a) GENERALLY.—The Director, in consultation with
20 the Director of the Women and Special Populations
21 Branch, the Director of the Health Services Division, and
22 in consultation with experts in correctional standards for
23 gender-responsive sanctions, shall develop gender-respon-
24 sive policies for discipline, which shall—

1 (1) include a review of the existing Bureau of
2 Prisons' discipline and sanctions policies to evaluate
3 where policies are not gender-responsive, and to in-
4 clude gender-responsive mission statements and
5 goals and revise all policies and standards to be gen-
6 der-responsive;

7 (2) ensure that revised policies focus on safety,
8 motivation of incarcerated person behavior, and in-
9 carcerated person self-management, including
10 through methods to teach incarcerated persons alter-
11 natives to rule violating behaviors before such behav-
12 iors are displayed;

13 (3) include an understanding of gender-based
14 peer dynamics and relationships;

15 (4) acknowledge trauma, and how many rule
16 violating behaviors have roots in traumatic experi-
17 ences;

18 (5) address gender-responsive and trauma-in-
19 formed approaches with female incarcerated persons;

20 (6) review common incarcerated person viola-
21 tion behavior based on gender, and determine what
22 sanctions and supports are available to respond to
23 the range of common behaviors, based on gender;

24 (7) determine which sanctions can be reduced
25 or eliminated based on research and best practices,

1 and which sanctions can be added to achieve better
2 outcomes with female incarcerated persons, with a
3 focus on sanctions that reinforce motivation and re-
4 habilitation rather than a punitive response; and

5 (8) eliminate the use of extremely punitive
6 sanctions, including shackling and segregated hous-
7 ing, except in circumstances when an incarcerated
8 person presents a severe danger to other staff or in-
9 carcerated persons, and create gender-responsive
10 policies for the use of such sanctions.

11 (b) VISITATION AS A DISCIPLINARY TOOL.—The Di-
12 rector shall ensure that loss of visitation privileges, includ-
13 ing in-person, video, electronic, phone, and physical mail
14 opportunities, is reserved as a sanction in only high and
15 greatest severity level offenses by incarcerated persons.

16 (c) DISCIPLINE REPORT.—Beginning on the date
17 that is 1 year after the date of enactment of this title,
18 and annually thereafter, the Attorney General shall submit
19 a report to the Committees on the Judiciary of the Senate
20 and the House of Representatives that contains the fol-
21 lowing information for the previous calendar year:

22 (1) The number of incarcerated persons who
23 are sanctioned for prohibited acts, disaggregated by
24 race, gender, and age.

1 (2) The number of incarcerated persons who
2 are sanctioned for greatest severity level offenses,
3 high severity level offenses, moderate severity level
4 offenses, low severity level offenses, disaggregated by
5 race, gender, and age.

6 (3) The number of incarcerated persons who
7 lose good conduct time as a sanction, the reason for
8 loss of good conduct time, and the amount of good
9 conduct time lost, disaggregated by race, gender,
10 and age.

11 (4) The type of sanctions imposed for all great-
12 est level severity offenses, disaggregated by race,
13 gender, and age of the incarcerated person.

14 (5) The type of sanctions imposed for all high
15 level severity offenses, disaggregated by race, gen-
16 der, and age of the incarcerated person.

17 (6) The type of sanctions imposed for all mod-
18 erate level severity offenses, disaggregated by race,
19 gender, and age of the incarcerated person.

20 (7) The type of sanctions imposed for all low
21 level severity offenses, disaggregated by race, gen-
22 der, and age of the incarcerated person.

23 (8) All sanctions imposed on mentally ill incar-
24 cerated persons, disaggregated by race, gender, and
25 age of the incarcerated person.

1 **SEC. 610. EXPANDING ACCESS TO THE MOTHERS AND IN-**
2 **FANTS NURTURING TOGETHER PROGRAM**
3 **AND THE RESIDENTIAL PARENTING PRO-**
4 **GRAM.**

5 (a) NOTICE.—The Director shall ensure that every
6 correctional officer and employee, and every female incar-
7 cerated person admitted into the Bureau of Prisons, is
8 given notice of the Washington State Department of Cor-
9 rections' Residential Parenting Program and the Mothers
10 and Infants Nurturing Together Program, and of the eli-
11 gibility requirements for each program.

12 (b) ELIGIBILITY.—The Director shall revise eligibility
13 requirements for the Residential Parenting Program and
14 the Mothers and Infants Nurturing Together Program to
15 ensure that all incarcerated persons who have given birth
16 while in the custody of the Bureau of Prisons have access
17 to both programs, except in limited circumstances where
18 the female incarcerated person presents a risk of danger
19 to herself or others, and without regard to citizenship sta-
20 tus or criminal charge.

21 (c) REVIEW OF EXCLUSIONS.—In the case of a fe-
22 male incarcerated person who has been pregnant or given
23 birth while in the custody of the Bureau of Prisons, and
24 has been excluded from participation in the Washington
25 State Department of Corrections' Residential Parenting
26 Program and the Mothers and Infants Nurturing To-

1 gether Program eligibility, such exclusion shall be reviewed
2 by the Director of the Women and Special Populations
3 Branch, or the Director's designee who must be a licensed
4 psychologist.

5 (d) REPORTS.—Beginning on the date that is 1 year
6 after the date of enactment of this title, and annually
7 thereafter, the Attorney General shall submit a report to
8 the Committees on the Judiciary of the Senate and the
9 House of Representatives and the Subcommittees on Com-
10 merce, Justice, Science, and Related Agencies of the Com-
11 mittees on Appropriations of the Senate and the House
12 of Representatives that contains the following information
13 about the Washington State Department of Corrections'
14 Residential Parenting Program and the Mothers and In-
15 fants Nurturing Together Program:

16 (1) The number of women who have been preg-
17 nant or given birth while in the custody of the Bu-
18 reau of Prisons.

19 (2) The number of women who participate in
20 the Washington State Department of Corrections'
21 Residential Parenting Program and the Mothers and
22 Infants Nurturing Together Program, including—

23 (A) the number of participants who start
24 each program; and

1 (B) the number of participants who com-
2 plete each program.

3 (3) For all incarcerated persons who enter each
4 program and do not complete each program, the rea-
5 sons for failure to complete the program.

6 (4) The number of available, unused program
7 participation incarcerated person spaces.

8 (5) The number of female incarcerated persons
9 who have been pregnant or given birth while in the
10 custody of the Bureau of Prisons who have been ex-
11 cluded from participation in the programs by the
12 Bureau of Prisons or personal preference, and the
13 reasons for such exclusion.

14 **SEC. 611. REPORT ON FAILURE TO COMPLY WITH THE 500**
15 **MILE RULE.**

16 Beginning on the date that is 1 year after the date
17 of enactment of this title, and annually thereafter, the Di-
18 rector of the Bureau of Prisons shall submit a report on
19 compliance with the requirements under section 3621(b)
20 of title 18, United States Code, to the Committees on the
21 Judiciary of the Senate and the House of Representatives
22 and the Subcommittees on Commerce, Justice, Science,
23 and Related Agencies of the Committees on Appropria-
24 tions of the Senate and the House of Representatives that
25 contains—

1 (1) the number of incarcerated persons who are
2 not placed in a facility that is within 500 miles of
3 their primary residence;

4 (2) for each incarcerated person who is not
5 placed in a facility that is within 500 miles of his
6 or her primary residence, the reason for such place-
7 ment;

8 (3) for each incarcerated person who is not
9 placed in a facility that is within 500 miles of his
10 or her primary residence, the number of miles from
11 the prisoner's primary residence to the facility where
12 such prisoner is placed; and

13 (4) for each incarcerated person who is not
14 placed at a facility within 500 miles of his or her
15 primary residence, whether such incarcerated person
16 has received any visits in the previous calendar year,
17 and if so, how many.

18 **SEC. 612. GAO STUDY ON REPRESENTATION IN THE BU-**

19 **REAU OF PRISONS.**

20 The Comptroller General of the United States shall
21 conduct a study of the best practices as of the date of
22 enactment of this Act in recruiting and retaining women
23 as correctional officers within the Bureau of Prisons. This
24 report shall also include practices which have been coun-
25 terproductive to any such effort. Additionally the report

1 shall detail the demographics of the Bureau workforce as
2 of the date of the study, disaggregated by age, racial, eth-
3 nic, and gender composition.

4 **SEC. 613. AUTHORIZATION OF APPROPRIATIONS.**

5 There is authorized to be appropriated to carry out
6 this title \$5,000,000 for each of fiscal years 2023 through
7 2027. Not less than 30 percent of such funding shall be
8 used for salaries and benefits and increased employment
9 mandates as provided under this title.

10 **TITLE VII—GENDER-INFORMED**
11 **REENTRY REFORM**

12 **SEC. 701. FOCUS ON WOMEN AT RESIDENTIAL REENTRY**
13 **CENTERS AND IN COMMUNITY CONFINEMENT.**
14

15 The Director shall ensure that placement of incarcer-
16 ated persons into prerelease custody through community
17 confinement, which shall include residential reentry cen-
18 ters, community treatment centers, halfway houses, res-
19 titution centers, mental health facilities, alcohol or drug
20 rehabilitation centers, or other community correctional fa-
21 cilities, shall—

22 (1) in the case of an incarcerated person who
23 is a custodial parent of a minor child, permit the vis-
24 itation with such child or residence with such child;

1 (2) shall ensure that such placement provides
2 adequate gender-appropriate hygiene, healthcare,
3 and nutrition needs; and

4 (3) in the case of an incarcerated person who
5 is a victim of domestic violence, dating violence, sex-
6 ual assault, that such incarcerated person be per-
7 mitted the ability to reside in a safe, and if nec-
8 essary confidential, community confinement dwell-
9 ing.

10 **SEC. 702. FOCUSING SUPERVISION ON THE REHABILITA-**
11 **TION OF WOMEN.**

12 (a) **TRAINING REQUIREMENT.**—The Chief United
13 States Probation Officer shall ensure that all training for
14 probation officers shall include—

15 (1) that all individuals enrolled in the academy
16 fulfill a training session on gender-informed super-
17 vision practices; and

18 (2) gender-informed supervision practices shall
19 include evidence-based training on the specific needs
20 of women who enter the justice system and have
21 been incarcerated, and shall include training on
22 trauma, sexual and physical abuse, family issues,
23 physical and mental health issues, hygiene issues,
24 racial disparities in the arrests of and law enforce-
25 ment contacts with women, and issues related to the

1 supervision and arrest of parents, including the iden-
2 tification and appropriate responses to a child,
3 present or not present, whose parent is supervised,
4 arrested, searched, or otherwise, in order to help
5 minimize potential trauma and support a child’s
6 physical safety and well-being.

7 (b) **SUCCESSFUL REHABILITATION.**—Section 3603(3)
8 of title 18, United States Code, is amended by striking
9 “to aid a probationer or a person on supervised release
10 who is under his supervision, and to bring about improve-
11 ments in his conduct and condition” and inserting “to ef-
12 fect the successful rehabilitation and reintegration of a
13 probationer or a person on supervised release into society,
14 using trauma-informed and restorative techniques with an
15 understanding of the collateral consequences of convic-
16 tion”.

17 **SEC. 703. GENDER-RESPONSIVE MODIFICATION OF SUPER-**
18 **VISED RELEASE RESTRICTIONS.**

19 Section 3583 of title 18, United States Code, is
20 amended—

21 (1) in subsection (e), by inserting “and after
22 consideration of any basis for difficulty in compli-
23 ance by the defendant, including parental obliga-
24 tions, poverty, substance use disorders, mental
25 health disorders, or otherwise” after “(a)(7)”; and

1 (2) in subsection (g)—

2 (A) in paragraph (2), by inserting “or” at
3 the end;

4 (B) in paragraph (3), by striking “or”;
5 and

6 (C) by striking paragraph (4).

7 **TITLE VIII—DEFINITIONS**

8 **SEC. 801. DEFINITIONS.**

9 In this Act, the terms “gender-responsive”, “trauma-
10 informed”, and “victim-centered” as used within this Act
11 shall have the meanings given such terms in rules made
12 by the Substance Abuse and Mental Health Services Ad-
13 ministration.

○